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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,497	05/19/1999	BRIAN E. SCHINDLY	MED-2-1012	5279

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EXAMINER
CHORBAJI, MONZER R

ART UNIT	PAPER NUMBER
1744	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/314,497	Applicant(s) SCHINDLY ET AL.
	Examiner MONZER R CHORBAJI	Art Unit 1744

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: On page 5 of the request for reconsideration, applicant argues that Ignacio would not motivate one to place the indicator on the porous surface of Minerovic's cartridge.Ignacio discloses range of possibilites for placing the indicaltor. It would have been obvious to one having oridanry skill in the art to place the indidator close or far (in the sterilization chamber close to the source of the sterilant) from the item to be sterilized. See col.9, lines 55-59. Thus, whether the indicator is placed close to the soruce of sterilant or far from the souce of sterilant is a routine experimentation based on the range of possibilites for placing the indicator provided by Ignacio.
On page 6 of the request for reconsideration, applicant argues that unlike Ignacio, the applicant's indicator tells the operator that sterilant has been generated at the source. However, Ignacio provides wide range of locations for the indicator. For example, "indicator can be placed within the sterilization chamber" does provide that one of the possibilties for the indicator is to be placed on the source of the steriliant of Minerovic's cartride. As a result, the indicator , for example, can be placed on 158, or 172 or 42 or figure 5.
On page 7 of the request for reconsideration, applicant argues that Ignacio only mentions placing the indicator with the items to be sterilized. On the contrary, Ignacio teaches that the indicator can be placed directly on the item or placed on the package containing the item, or along with the item in the chamber without specifying exactly where in the chamber. Thus, the indicator can be placed any where in the chamber close or far from the soruce of the sterilant resulting in detection of high levels or acceptable levels of the sterilant.

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